



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/992,150	12/17/97	MODI	J MODICASE3

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HERCULES PLAZA  
WILMINGTON DE 19894-0001

EXAMINER

WEBMAN, E

ART UNIT	PAPER NUMBER
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1617

DATE MAILED:

12/13/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/992150

Applicant(s)

MODJ

Examiner

W EGMAN

Group Art Unit

1617

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 9/6/00
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-36 is/are pending in the application.
- Of the above claim(s) 10, 12, 13, 15-18, 20-33 is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-9, 11, 14, 19 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 4
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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Applicant's election with traverse of liquid soap, HEC, Cetyl and water in Paper Nos. 11 and 13 is acknowledged. The traversal is on the ground(s) that no burden is shown. This is not found persuasive because for an election of species such a showing is not required.

Applicants can overcome the requirement by stating on the record that the species are equivalent..

The requirement is still deemed proper and is therefore made FINAL.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9, 11, 19, 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Goddard.

Goddard teaches the cellulose of Landoll '277 (column 2, lines 33-35). A composition comprising water and the celluloses are disclosed (column 4, lines 53-56). Surfactants are disclosed (column 5, lines 1-8). Cleansers are specified (Abstract). Soaps are disclosed (column 5, line 7). Applicants attempt to distinguish "household product" from "personal care product". However the claimed liquid soap is well known as a personal care product, even to the layman.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9, 11, 19, 34-326 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landoll.

Landoll teaches cellulose ethers modified with C10-C24 alkyl groups (abstract).

Hydroxy ethyl cellulose is specified (column 2, lines 4-13). A composition comprising water and surfactant is specified (column 6, example 25).

A shampoo is disclosed (example 25 column 6).

It would have been obvious to one of ordinary skill to make a shampoo comprising a nonionic cellulose ether in view of Landoll.

As to the claimed liquid soap, it is well-known, even to the layman, that there are items of commerce labeled as useful as both a liquid soap or shampoo.

Claim 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard and Landoll as applied to claims 1-9, 11, 19, 34-36 are above, and further in view of Bolich '658.

Goddard and Landoll are discussed above.

Bolich '658 teaches the thickeners of Landoll '277 (column 4, lines 35-44). Water is disclosed (column 6, lines 19020). Surfactants are disclosed at less than 1% (column 8, lines 8-19). Rheological aids, including certain salts, are specified (column 6, lines 47-61).

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It would have been obvious to one of ordinary skill to add salts to the compositions of Goddard and Landoll to achieve the beneficial effect of a thickener in view of Bolich '658.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

"Viscositying" is indefinite it is not present in the English language. Applicants provide no definition of the term, but merely allude to its meaning in argument.

The disclosure is objected to because of the following informalities: on page 7 line 6, "viscositying" is indefinite. See above.

Appropriate correction is required.

The last sentence on page 1 is incomplete.

The Hercules trade literature cited by Bolich '658 in column 2, lines 26-27 is requested by the examiner. The literature cited clearly <sup>d</sup> Discloses the claimed liquid soap, according to Bolich. Thus, the <sup>reference</sup> appears to be close art. The address of Applicant's representative, namely <sup>1</sup> Hercules, strongly suggests that applicant's representative has access to this reference.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman, whose telephone number is (703) 308-4432. The examiner can normally be reached on M-F from 9:00 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, M. Moezie, can be reached on (703) 308-0570. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3592.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

E. Webman:jmr

November 20, 2000

  
EDWARD J. WEBMAN  
PRIMARY EXAMINER  
GROUP 1500